

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

GARY EDWARD KIRBY,

Plaintiff,

V.

COMMISSIONER OF SOCIAL SECURITY

Defendant.

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Case No. 3:13-cv-373

Judge Mattice

Magistrate Judge Shirley

ORDER

On September 12, 2014, United States Magistrate Judge C. Clifford Shirley, Jr. filed a Report and Recommendation (Doc. 21) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Shirley recommended that the Plaintiff's Motion for Attorneys' Fees (Doc. 19) be granted, and that Plaintiff be awarded \$5,097.60 in attorneys' fees. (*Id.*).

Neither party has filed any objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has conducted a review of the Report and Recommendation and the record, and it agrees with Magistrate Judge Guyton's well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Guyton's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and

¹ Magistrate Judge Guyton specifically advised the parties that they had 14 days in which to object to the Report and Recommendation and that failure to do so would waive their right to appeal. (Doc. 21 at 4); see Fed. R. Civ. P. 72(b)(2); see also *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings").

Rule 72(b). Plaintiff's Motion for Attorneys' Fees (Doc. 19) is hereby **GRANTED** and Plaintiff is hereby **AWARDED** attorneys' fees in the amount of \$5,097.60.

SO ORDERED this 8th day of October, 2014.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE